U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN
See Instructions for "Service of Process by the U.S. Marshal" on the reverse of this form.

FILED
2008 JUN -5 AM 8:2
CLERK US DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

PLAINTIFF	COURT CASE NUMBER
NEHEMIA ROBINSON	08-CV-161-H-BLM
DEFENDANT	**TYPE OF PROCESS**
T. CATLETT, et al.,	SUMMONS AND COMPLAINT

SERVE NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
M. ARVIZU, CORRECTIONAL OFFICER

AT ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)
~~(OR 7018 BLAIR ROAD, CALIPATRIA, CA. 92233)~~
CALIPATRIA STATE PRISON, P.O. BOX 5002, CALIPATRIA, CA. 92233

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

NEHEMIAH ROBINSON J-71342
CALIPATRIA STATE PRISON (A-5-148)
P.O. BOX 5004
CALIPATRIA, CA. 92233-5004

Number of process to be served with this Form - 285	1
Number of parties to be served in this case	16
Check for service on U.S.A.	

RECEIVED 2008 APR 10

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE *(Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available For Service):*

THE NAMED DEFENDANT IS A CORRECTIONAL OFFICER AND IS AVAILABLE FOR SERVICE AT CALIPATRIA STATE PRISON DURING THE HOURS OF 6:00 AM UNTIL 10:00 P.M. ASSIGNED TO FACILITY "B", BUILDING #1, FLOOR OFFICER, ON OR ABOUT 2-06-06, AT THE TIME OF THE INCIDENT.

Signature of Attorney or other Originator requesting service on behalf of:		TELEPHONE NUMBER	DATE
[signature]	☒ PLAINTIFF ☐ DEFENDANT		3-20-08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. *(Sign only first USM 285 if more than one USM 285 is submitted)*	Total Process	District of Origin	District to Serve	Signature of Authorized USMS Deputy or Clerk	Date
	1	No. 98	No. 98	A Scott	4/10/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.

☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above *(See remarks below)*

Name and title of individual served *(if not shown above)*	☐ A person of suitable age and discretion then residing in the defendant's usual place of abode.	
Address *(complete only if different than shown above)*	Date of Service	Time am pm
	Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges *(including endeavors)*	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal or	Amount of Refund

REMARKS:
04/11/08-Mailed summons and complaint
06/03/08- Recd waiver of service of summons. Copy to court and plaintiff

PRIOR EDITIONS MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

RECEIVED

2008 JUN -3 P 2:00

U.S. MARSHAL
SOUTHERN DISTRICT OF CALIFORNIA

To: United States Marshal

I acknowledge receipt of your request that I waive service of summons in the action of Nehemiah Robinson, which is case number 08CV161 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after April 11, 2008, or within 90 days after that date if the request was sent outside the United States.

Date: May 30, 2008

Signature

Defendant hereby waives personal service of this Complaint pursuant to Rule 4(d) of the Federal Rules of Civil Procedure

Printed/Typed Name: SYLVIE P. SNYDER
[as Deputy Attorney General]
[of the Office of the Attorney General]

Attorneys for M. Arvizu, Defendant

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the costs of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A Defendant who waives service must within the time specified on the waiver form serve on the Plaintiff's attorney (or unrepresented Plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that Defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Nehemiah Robinson

vs

T. CATLETT, Sergeant; GARRET, Correctional Officer; M. ARVIZU, Correctional Officer; W.J. PRICE, Facility Captain; M.E. BOURLAND, Chief Deputy Warden; DIRECTOR/SECRETARY OF THE CALIFORNIA DEPT. OF CORRECTIONS & REHABILITATION; R. JOHNSON, Lieutenant; T. OCHOA Chief Warden; WHIDMAN, Correctional Officer; R. NELSON, Lieutenant; G.J. JANDA, Assoc. Warden; D. NORIEGA, L.V.N.; J.M. SALGADO, R.N.; M. CORREA, Supervising R.N. II; K. BALL, Chief Physician/Surgeon; V. O'SHAUGHNESSY, Appeal Examiner

SUMMONS IN A CIVIL ACTION

Case No. 08-CV-161-H-BLM

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Nehemiah Robinson
J-71342
P.O. BOX 5004
Calipatria, CA 92233

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.
Clerk of Court

March 12, 2008
DATE

By, Deputy Clerk